

Entered - 06/16/03 - sb  
CL03L0479 - DIANNE C. MITCHELL

CLAIM OF: **Mr. and Mrs. Jesse Jones**  
**419 Cairo Street, NW**  
**Atlanta, Georgia 30314**

**03- R -2093**

For damages alleged to have been sustained as a result of property damage due to flooding on September 21, 2002, May 6 and 15, 2003 at 419 Cairo Street, NW.

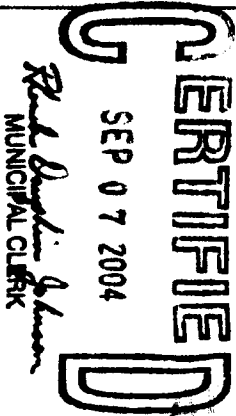
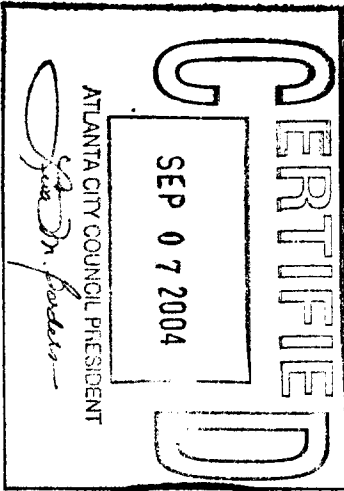
THIS ADVERSED REPORT IS APPROVED

BY:

  
**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

**ADVERSED BY  
CITY COUNCIL**

**SEP 07 2004**



**ADVERSED REPORT**

**REGISTRATION COMMITTEE**

**SEP 31/04**  
CHAIR *A. St. Hill*  
*Jane M. Shepherd*  
*Wayne D. Wood*  
*C. T. Wood*  
*Harold Smith*  
*Carla Smith*  
*...*

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0479

Date: November 7, 2003

Claimant /Victim MR. AND MRS. JESSE JONES  
BY: (Atty.)Ins. Co.) \_\_\_\_\_  
Address: 419 Cairo Street, NW, Atlanta, Georgia 30314  
Subrogation: Claim for Property damage \$ Not Stated Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 06/09/03 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 09/21/02 and 05/06 & 15/03 Place: 419 Cairo Street, NW  
Department Watershed Management Division: Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimants allege that their property was damaged due to a flood on the above dates and location. The investigation determined that the flooding was due to a heavy amount of rainfall. The City is immune from liability as set forth in O.C.G.A. §36-33-1. Furthermore, as to the event occurring on September 21, 2002, the claim does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, in that the six month statute of limitations expired prior to the receipt of the claim.


INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_  
Claims Manager: Dianne Mitchell Concur/date 11/07/03  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

*Swan*  
*McCall*  
*06/09/03*  
*Dr*

Petition for help to The Honorable Mayor Shirley Franklin

The home owners and resident of Cairo, Jett, Joseph P. Lowery and Neal Streets are asking for your help and assistances in elevating a very serious, costly and time consuming problem. We have been the victims of 3 major floods in less than 12 months, One in September of 2002, and 2 that occurred on the following dates May 6 and May 15, 2003. The residents have been experiencing flooding in this area for over 30 years and was not able to get any help in the past, but the major flooding did start until a work crew came out in the Spring of 2002 and worked on the sewer lines or storm drains. We have spoken to the Dept of Water and Sewer Services and no one there seems to know what changes were made to the sewers and storms. When this work was preformed. Since than have been experiencing major sewer and storm drain backups into our homes and yards.

These 3 floods have caused an ongoing financial, health and emotional hardships and is putting the entire areas health at serious risk. In particular the residents of Jett, Joseph P. Lowery and Neal streets have at least a foot of stagnant sewer and rain water standing in various places on their properties. Creating a health hazard for the entire area by providing a breeding ground for mosquitoes (the major cause of West Nile Virus), mold and mildew.

Most of our residents are retired, elderly, ill or families who are already struggling during these difficult and uncertain economic times and many of us are living on a fixed incomes. We are already living with tight budgetary concerns and we can not afford the extra expenses cause by these flood. Some of our residents have had to borrow money to cover the cost of mold and mildew cleanup and replace and or repair furnaces, hot water heaters, washers, dryers, lawn equipment, furniture, clothing and other personal property. We are asking for your help in correcting what ever is causing the sewers and storm drains to backups.

We would like to thank The Dept of Sewer Service especially Mr. Thurmond Burdette, SR. and Mr. Bobby Bankston for their help and concern for our situation. And we would also like to thanks the employees of the Acme Cleaning Services for doing a fine job.

Yours Truly  
The Residents

Attached is a list of the residents who have been affected and their supporting neighbors.

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## RESIDENTS AND HOME OWNERS

Mrs. Rosena Wise  
409 Cairo St, NW

Mr. and Mrs. Jesse Jones  
419 Cairo St, NW

Ms. Emily Jones  
425 Cairo St, NW  
(W. H. Wilkins owner)

Mr. Jimmy L. Haywood  
964 Neal St, NW

Mr. Bryant Bass  
401 Cairo St, NW

Ms. June Stargen  
426 Cairo St, NW

Mrs. Nina D. Robinson  
Mr. Andrew Williams  
957 Neal St, NW

Mrs. Kathryn Johnston  
933 Neal St, NW

Mrs. Ardella S. Jennings  
945 Neal St, NW

Mrs. Sallie B. Strickland  
956 Neal St, NW

Mrs. Allene Burks  
Mrs. Pearlin Burks  
941 Neal St, NW

Miss. Patrina Wilborn  
950 Neal St, NW

Mrs. Eunice Woods  
953 Neal St, NW

Mr. & Mrs. T. Jones  
949 Neal St, NW

Ms. Shelia B. Hall  
960 Neal St, NW

Mrs. Lynn Bamer  
938 Neal St, NW

Mr. & Mrs. Curtis Mitchell  
937 Neal St, NW

Mr. Craig M. Robinson  
929 Neal, NW

Ms. Sophieretta Roberts  
Mr. Lowell Vaughn, Sr.  
442 Joseph Lowery Blvd.

Mr. Ricky Billingslee  
Mr. Howard Billingslee  
446 Joseph P. Lowery Blvd, NW

Mr Delevan Vaughn  
938 Jett St, NW

The Wilson Family  
961 Neal St, NW

Charles Simmons  
975 Jett St, NW

M. C. Martin  
502 Oliver St, NW

Mrs. Clarence Williams  
946 Jett St, NW

Rick  
956 Jett, NW

Mr. Theodore L. Riddick Sr.  
953 Jett St, NW

Ms. Alphreeda M. Cook  
967 Jett St, NW

Vernon Sanders  
428 Cairo St, NW

Mr. Clarence A. Willingham Sr.  
940 Jett St, NW

B. K. Brown  
968 Jett St, NW

Mr. Lee  
960 Jett St, NW



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

September 14, 2004

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Mr. and Mrs. Jesse Jones  
419 Cairo St., NW  
Atlanta, GA 30314

03-R-2093

Dear Mr. & Mrs. Jones:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 07, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department